

Courts martial:

Airman 1st class, staff sergeant convicted in separate trials

Theft, false official statements, destroying or altering documents net staff sergeant bad conduct discharge, reduction to E-1, 10 months confinement

BY MAJOR TIFFANY DAWSON
377th Air Base Wing Staff Judge Advocate Office

Staff Sgt. Kevin D. Marcum, 377th Security Forces Squadron, was convicted, on Jan. 13, in a general court-martial of larceny, making false official statements and destroying and altering public records.

Sergeant Marcum became a suspect in the theft of \$2,000 that came up missing from an evidence locker of which he was the evidence custodian. The Air Force Office of Special Investigation opened an investigation into the theft after the proper owner of the money requested its return.

When the proper owner presented his claim to the Kirtland AFB Finance Office, officials noticed that the amount of confiscated money on the owner's receipt differed from the amount annotated on 377th Security Forces records.

Further investigation revealed that Sergeant Marcum stole the \$2,000 and then attempted to conceal his crime by altering and destroying documents related to the case, including an evidence disposition letter, an evidence tag, an inventory of the currency seized, and several pages of the report of investigation.

Sergeant Marcum also lied to both an Air Force OSI investigator and an official from the Finance Office concerning his involvement and knowledge of the crime.

Sergeant Marcum pled guilty to making false official statements on multiple occasions, stealing \$2,000 and wrongfully and unlawfully altering and destroying various public records.

He elected to be tried by a military judge alone and was found guilty on these charges. During his unsworn statement, the accused stated he accepted responsibility for his actions but that the financial and emotional stress of dealing with family separation and the hardship of his child's medical condition led him to commit the crimes.

During their sentencing argument, the government argued that Sergeant

Marcum's crimes were the result of his own personal, conscious choices. The trial counsel, Capt. Mark Trujillo, emphasized how Sergeant Marcum's actions demonstrated a lack of integrity and violated the special level of trust placed in him as a law enforcement investigator and evidence custodian.

These factors, coupled with the level of planning and deceit involved in Sergeant Marcum's actions to conceal his crime, led the government to recommend a bad conduct discharge, between 20 and 24 months confinement, reduction to E-1 and total forfeitures.

The defense argued that the fact that Sergeant Marcum stood before this court was a tragedy created by the Air Force's failure to adequately assist Sergeant Marcum with his personal problems.

The circuit defense counsel, Capt. Julie Pitvorec, stressed that Sergeant Marcum had accepted responsibility for his crimes and that Sergeant Marcum's actions were those that would be taken by any parent.

Arguing that the loss of his career and the emotional toll that separation from his family had already taken on him, the defense asked the military judge to forego confinement and impose a bad conduct discharge instead, if necessary.

The military judge, Lt. Col. Nancy Paul, sentenced Sergeant Marcum to a bad conduct discharge, 10 months confinement, reduction to E-1 and total forfeitures.

The government's case was presented by Captain Trujillo, who was assisted by Capt. Jeremie Lipton, both of the Kirtland AFB Legal Office.

Trujillo said, "While the defense painted Sergeant Marcum's crimes as a personal tragedy, the accused's actions were riddled with deceit and demonstrated a personal choice to put himself above the law.

"His sentence shows the value and emphasis placed on honesty, integrity, and accountability by the Air Force. Those who willingly choose to break the law will be held accountable," he continued.

DUI, carrying a concealed weapon, speeding, possession of alcohol earn airman 1st class 30 days confinement, reduction to E-1, forfeitures

BY MAJOR TIFFANY DAWSON
377th Air Base Wing Staff Judge Advocate Office

Airman 1st Class Michael G. Lefebvre, 377th Security Forces Squadron, was convicted in a summary court-martial, on Jan. 9, of driving under the influence of alcohol, carrying a concealed weapon, speeding, and possession of alcohol by a minor.

On Oct. 15, Airman Lefebvre was caught speeding on Gibson Boulevard on Kirtland AFB. Despite the security forces patrolman flashing his lights to alert Airman Lefebvre to pull his vehicle over, Airman Lefebvre continued to speed down Gibson onto Wyoming until he was eventually stopped in the outbound lane at the Wyoming Gate.

After the responding officer detected the odor of alcohol, Airman Lefebvre consented to a breathalyzer. His breath alcohol content was 0.12 percent. The legal limit in New Mexico and on Kirtland AFB is 0.08 percent.

Upon inspection, an unloaded shotgun was found within Airman Lefebvre's reach under the back seat of his vehicle. Shotgun shells were found on the dashboard and in the case that held the shotgun.

Also, an unopened can of beer was found in the vehicle. Airman Lefebvre was 20 years old at the time of the incident.

At trial, Airman Lefebvre pled guilty to speeding 15 mph over the posted speed limit and to wrongfully and knowingly possessing an alcoholic beverage. He pled not guilty to charges of DUI, willfully transporting a privately owned weapon on Kirtland AFB for an unauthorized purpose, and unlawfully carrying a concealed weapon.

Airman Lefebvre's case was tried before Col. Patricia Hunt, 377th Maintenance Group commander, acting as the summary court-martial officer.

Under the Uniform Code of Military Justice, summary court-martials are composed of a commissioned officer appointed by the convening authority.

Airman Lefebvre was represented throughout the proceedings by the area defense counsel, Capt. Kimani Eason. The government's case was presented by Capt. Terry McCollom and Capt. Corey Anderson, both assigned to the 377th Air Base Wing Legal Office.

In addition to the speeding and possession of alcohol to which he pled guilty, Colonel Hunt found Airman Lefebvre guilty of the charges of DUI and carrying a concealed weapon, but not guilty of transporting a weapon for an unauthorized purpose.

Colonel Hunt sentenced Airman Lefebvre to 30 days confinement, reduction to E-1 and forfeiture of two-thirds pay for one month.

Prior to adjourning the summary court-martial, Colonel Hunt told Airman Lefebvre that his future in the Air Force was in his hands and that he needed to learn from his past mistakes.

Shortly after the sentence was announced, Airman Lefebvre was taken to the Kirtland Confinement Facility to begin serving his term.

Preventive Health Assessments

Are you ready to deploy today?

BY SENIOR MASTER SGT. JOHN A. HARRISON
377th Medical Group

During the last few months the 377th Medical Group has taken a closer look at how we prepare and ensure our active duty force is ready to deploy.

The initiative launched by the medical group is daily "group Preventive Health Assessments." This change in the Preventive Health Assessment Process has made a tremendous difference in ensuring our active duty force is ready to meet the challenge of "Are you ready to deploy today?"

What challenge is this? It is our challenge of being ready to deploy anytime, anywhere, and anyplace when our nation calls.

The group PHAs begin each morning at 7 a.m. in the Force Health Management section of the medical group. With the new process, the active duty member receives a briefing on health prevention, followed by confirming the appropriate exams required for each

individual, i.e., height, weight, blood pressure, eye exams, labs and a review of personal medical history, etc.

Once this is accomplished, the group of 17-20 Airmen are escorted to the Family Practice Clinic where the appropriate portion of the PHA is performed by aeromedical service technicians. Following this, the technician updates the medical record Air Force Form 2766 (deployable medical record).

In addition, the Air Force PIMR database is updated which tracks all active duty members assigned to deployed positions throughout TEAM KIRTLAND.

A profile (Air Force Form 422) is then completed and signed by the Primary Care Manager following the PHA verifying worldwide deployment status. This plays an integral part in determining "Are you ready to deploy today?"

How can you, the active duty member, assist in this process? First, when you are notified by your unit deployment manager that you need a PHA, you have a responsibility to ensure you meet this requirement and your appointment. Second, items you

should bring to your PHA appointment are dog tags, immunization records (DD Form 171), identification card to verify your blood type and glasses, as well as inserts to determine your visual acuity.

The PHA process has come a long way since its inception. Looking into the future, we eventually hope to go to an electronic PHA (e-PHA). The new process may alleviate visiting the medical group on an annual basis. It will be accomplished by updating the active duty member's 2766 and the PIMR database during their acute or routine appointments with their primary care manager.

We hope to go to the (e-PHA) in the future, however until then you are responsible for ensuring your PHA is completed when notified.

The PHA process is the "tip of the spear" in determining your ability to deploy. Help yourself, your unit, the medical group, TEAM KIRTLAND and the Air Force by ensuring that "You are ready to deploy today!"

Direct questions regarding the PHA process to Force Health Management, 846-3443.



Photo by Todd Berenger

Senator Bingaman visits Kirtland AFB

New Mexico's U.S. Sen. Jeff Bingaman, left, visited the 58th Special Operations Wing Jan. 14 to visit Airmen who have returned from deployment to Iraq and Afghanistan, and to tour the wing. During his visit here, he also saw the wing's flight simulators, including the CV-22 simulator. Listening to the senator are Master Sgt. John R. Shoemake, 551st Special Operations Squadron, and Capt. James J. Zirkel, 377th Security Forces Squadron.

Air Force assistant secretary tours Kirtland AFB

Air Force Assistant Secretary for Installations, Environment and Logistics, Nelson F. Gibbs, right, hears from Joe Sciabica, Air Force Research Laboratory Space Vehicles directorate associate director, about the work being done at the directorate during a visit Jan. 20-21. Mr. Gibbs also visited the Air Force Safety Center, Kirtland Undergroun Munitions Maintenance and Storage Complex, the 58th Special Operations Wing, and his hosts, the 377th Air Base Wing.



Photo by Anita E. Bergman